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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,855	04/17/2001	Shinichi Baba	04900.00002	4194

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EXAMINER

FERGUSON, KEITH

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,855

Applicant(s)

BABA ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,9-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,6 and 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Abbasi et al..

The claimed invention reads on Abbasi et al. as follows:

Regarding claims 1,9-20, Abbasi et al. discloses a system (fig.

1) for setting up base stations in relations to existing base stations (col. 1 lines 40-53 and col. 2 lines 8-14 and col. 4 lines 11-59), comprising: a first base station having a receiver (transceiver) (col. 2 lines 15-45), a processor (controller) (col. 2 lines 15-45) and a transmitter (transceiver) (col. 2 lines 15-45), wherein said receiver receives signals (signal strengths) from existing base stations (base stations or IRP) (col. 4 lines 12-31), said processor adds said existing base stations to a list of base stations (i.e. at least two base stations or IRPS, wherein each of the base stations or IRPS are on each other neighbors list, as taught in col. 4 lines 36-59),

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and said transmitter transmits said list to other base stations (base stations or neighboring stations or IRP) (col. 4 lines 36-59). Abbasi et al. further discloses the receiving base stations or IRPs stores the list within their memory (col. 4 lines 55-60).

Regarding claims 2, Abbasi et al. discloses said list includes candidates base stations and always handoff base stations (col. 2 lines 10-15).

Regarding claims 6, Abbasi et al. discloses a method (fig. 5) for setting up a base station (col. 4 lines 11-59) comprising the steps of: determining neighboring base stations (col. 4 lines 11-59); monitoring signals associated with said base stations (col. 4 lines 11-59); determining how said signals compare with a signal generated by said base station (col. 4 lines 11-59); ordering said base stations into a list (col. 4 lines 11-59); and, transmitting said list to said base stations (col. 4 lines 11-59).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbasi et al. in view of Dolan.

Regarding claim 3, Abbasi et al. discloses a system as discussed supra in claim 1 above. Abbasi et al. differs from claim 3 of the present invention in that it do not disclose other base stations approve or disapprove of said list from said base station. Dolan teaches a semi handoff candidates approve or disapprove of a list of semi handoff candidates for performing handoff (col. 9 lines 34-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abbasi et al. with other base stations approve or disapprove of said list from said base station in order for the system to update the other base stations or IRPs memory with the list of neighboring base stations that are qualified for hand off, as taught by Dolan.

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Regarding claims 21-24, Abbasi et al. discloses a method (fig. 5) for setting up a base station (col. 4 lines 11-59) comprising the steps of: determining neighboring base stations (col. 4 lines 11-59); monitoring signals associated with said base stations (col. 4 lines 11-59); determining how said signals compare with a signal generated by said base station (col. 4 lines 11-59); ordering said base stations into a list (col. 4 lines 11-59); and, transmitting said list to said base stations (col. 4 lines 11-59). Abbasi et al. differs from claim 21 of the present invention in that it do not disclose other base stations accepting or rejecting of said list from said base station. Dolan teaches a semi handoff candidates approve or disapprove of a list of semi handoff candidates for performing handoff (col. 9 lines 34-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abbasi et al. with other base stations accepting or rejecting of said list from said base station in order for the system to update the other base stations or IRPs memory with the list of neighboring base stations that are qualified for hand off, as taught by Dolan.

Response to Arguments

5. Applicant's arguments filed April 20, 2005 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

6. Argument: Regarding claims 1 and 6, Applicant alleges that Abbasi do not disclose a first base station requesting a neighboring station to place the first station on the neighboring station's list.

Explanation: Examiner agrees with applicant. However, " a first base station requesting a neighboring station to place the first station on the neighboring station's list" is not recited in claim 1.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hirose et al. (U.S. Patent 6,064,890) discloses a base station which monitors other base station that are put into a base station list based upon signal quality and power to be used in case of handoff.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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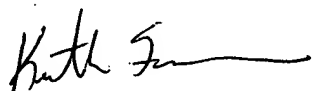
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson



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June 22, 2005